

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

FIRST-CLASS MAIL AND PERIODICALS
SERVICE STANDARD CHANGES, 2021

Docket No. N2021-1

**MOTION OF THE UNITED STATES POSTAL SERVICE TO
BE EXCUSED IN PART FROM RESPONDING TO DOUGLAS F. CARLSON'S
INTERROGATORY DFC/USPS-T1-15
(May 6, 2021)**

Pursuant to 39 C.F.R. § 3020.105(b), the United States Postal Service hereby moves to be excused in part from responding to Douglas F. Carlson's Interrogatory DFC/USPS-T1-15 identified below filed on May 3, 2021 on grounds that it seeks irrelevant information. See 39 C.F.R. § 3020.117(a) (permitting interrogatories "requesting non-privileged information relevant to the subject matter of the proceeding"). The subject interrogatory from which the Postal Service seeks to be excused is set forth below.

DFC/USPS-T1-15. Please provide an overview of the air transportation network for First-Class Mail, Priority Mail, and Priority Mail Express that describes the air carriers that serve each mail class and the approximate proportion of the total volume that is allocated to each carrier.

Interrogatory DFC/USPS-T1-15 seeks, in part, information that is not relevant to the Postal Service's request for an advisory opinion in this proceeding. The request for an advisory opinion in this case is focused and limited in scope. In this docket, the Postal Service has requested an advisory opinion from the Commission on planned nationwide service changes that affect First-Class Mail letters and flats and, consequently, Periodicals and non-package international mail (the "Initiative"). As discussed below,

some of the information requested in DFC/USPS-T1-15 is relevant to the Initiative, and the Postal Service will, accordingly, respond in part. Some of the information requested through this interrogatory is, however, neither relevant to the Postal Service's request nor to a determination as to whether or not the Initiative complies with Title 39, as required by 39 U.S.C. § 3661.

In this proceeding, the Commission is required to evaluate whether the service and operational changes to First-Class Mail letters and flats (as well as Periodicals and non-package international mail) proposed in the Initiative conform to applicable policies in Title 39. See 39 C.F.R. § 3020.113(a) (Postal Service shall include "such information and data and such statements of reasons and basis as are necessary and appropriate to fully inform the Commission and interested persons of the nature, scope, significance, and impact of the proposed change in the nature of postal services and to show that the change in the nature of postal services is in accordance with and conforms to the policies established under title 39, United States Code."); see *also id.* at § 3020.113(b) (setting forth the specific information that the Postal Service should include in its request). The information sought through interrogatory DFC/USPS-T1-15 pertaining to Priority Mail and Priority Mail Express, however, is irrelevant to evaluate the Postal Service's reasons and basis for the Initiative, or whether the Postal Service satisfied the requirements articulated in 39 C.F.R. § 3020.113.

Witness Cintron explained in his testimony that the Initiative is intended "to revise the current service standards for First-Class Mail and Periodicals" by "adding up to two days for limited categories of First-Class Mail and Periodicals." USPS-T1 at 2:4-5, 2:7-8; see *also id.* at 12:16-18. Importantly here, the Postal Service "[is] not proposing any

service standard changes regarding packages . . . through this proceeding[.]” *Id.* at 2 n.3. Indeed, specifically because “Priority Mail Express and Priority Mail” in particular will be unaffected by the Initiative, “[c]ustomers who desire greater speed will also have the ability to utilize” those products. *Id.* at 36:10-12.

Discussing First-Class Mail letters and flats, Mr. Cintron explained that, with respect to Alaska, Hawaii, and offshore territories, the current Required Delivery Time “requires the Postal Service to move the majority of the [First-Class Mail] volume on a cargo carrier, and cargo containers tend to be more expensive than passenger air carriers. Adding a day to the current service standards applied to offshore volumes will allow the Postal Service to utilize lower cost [commercial] carriers[.]” *Id.* at 25:19-26:2. Accordingly, the Postal Service does not object to the interrogatory to the extent it seeks an “overview of the air transportation network for First-Class Mail . . . that describes air carriers that serve [First-Class Mail] and the approximate proportion of the total [First-Class Mail] volume that is allocated to each carrier” to the extent that the Postal Service tracks information at that level of granularity.

That being said, the information sought with respect to Priority Mail and Priority Mail Express, which will be unaffected by the Postal Service’s proposed changes in this proceeding, and about which the Postal Service seeks no advisory opinion, is not necessary to inform the Commission and the parties of the nature, scope, significance, and impact of the Initiative on the nature of postal services. It will not further inform the Commission’s opinion in this docket, and, accordingly, does not seek information on facts that “flow from the Initiative.” Station and Branch Optimization and Consolidation Initiative, 2009 (“SBOC”), Docket No. N2009-1, Presiding Officer’s Ruling (“POR”) No. 2,

at 2-3 (Sept. 1, 2009) (noting that an interrogatory that seeks information about application program that is not caused by or does not flow from the Initiative under consideration in the docket is not reasonably calculated to lead to the discovery of admissible evidence relevant to this docket); see *also* SBOC, Docket No. N2009-1, POR No. 7, at 2 (Sept. 18, 2009) (denying motion to compel production of information on reduction of hours for programs that are “not caused by or flow from the Initiative” as such information “will add little to the record”); Mail Processing Network Rationalization, Docket No. N2012-1, Presiding Officer’s Ruling (“POR”) No. 27, at 2 (May 17, 2012) (denying a motion to compel certain measurement data on the grounds that it “would not seem relevant to a proposal to change service standards”); Mail Processing Network Rationalization, Docket No. N2012-1, Presiding Officer’s Ruling (“POR”) No. 57, at 4-5 (May 17, 2012) (denying a motion to compel certain historical information that “does not appear to relate in a material way to the Postal Service proposal in this docket.”).

Thus, interrogatory DFC/USPS-T1-15 is not, in part, “reasonably calculated to lead to the discovery of admissible evidence” as required by Commission Rule 3020.116(a), and is inconsistent with the goals of a Section 3661 proceeding because it seeks information related to Priority Mail and Priority Mail Express, and is not tailored to address the specific subject of the Postal Service request.

Conclusion

In summary, for the reasons stated above, the Postal Service requests that it be excused from responding to interrogatory DFC/USPS-T1-15 to the extent that it seeks information regarding Priority Mail and Priority Mail Express.

Respectfully submitted,

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